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HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench : Hon'ble Shri Jagdish Bhalla, Ag. C.J.

Writ Petition (C) No. 4337 of 2007

PETITIONER Santosh Kumar S/o Ramlal aged about 45 years, R/o Village ; Seoni, Tahsil : Janjgir Distt Janjgir – Champa (CG)

Vs

RESPONDENTS

1. State of Chhattisgarh Through : Secretary (Revenue) DKS Bhawan Raipur (CG)
2. TheCollector, Janjgir, Distt. Janjgir – Champa (CG)
3. Sub Divisional Officer (Revenue)Janjgir, (Appropriate Authority) Distt. Janjgir – Champa (CG)
4. Dhansingh Kawar, S/o Samaru Kawar, aged about 50 years, R/o Village : Seoni (Naila) Tahsil : Janjgir, Distt. Janjgir, Champa

Writ Petition under Article 227 of the Constitution of India.

Present: Shri Alok Pandey, counsel for the petitioner.
Shri UNS Deo, Government Advocate for the State.

ORAL ORDER
(Passed on 26th July, 2007)

It is admitted case of the parties that there was only 6 days' notice instead of 7 days as is clearly provided under Rule 3 (3) of the Chhattisgarh Panchayat (Gram Panchayat Ke Sarpanch Tatha Up-Sarpanch, Janapad Panchayat Tatha Zila Panchayat Ke President Tatha Vice-President Ke Virudh Avishwas Prastav) Niyam, 1994, which reads as under :

(36)

(3) On receiving the notice under sub-rule (1) the prescribed authority shall satisfy himself about the admissibility of the notice with reference to Section 21 (3), 28 (3) and 35(3), as the case may be. On being thus satisfied, he shall fix the date, time and place for the meeting of the Gram Panchayat, Janapad Panchayat or Zila Panchayat, as the case may be, which shall not be more than fifteen days from the date of receipt of the said notice. The notice of such meeting specifying the date, time and place thereof shall be caused to be dispatched by him through the Secretary of the Gram Panchayat or Chief Executive Officer of the Janapad or Zila Panchayat, as the case may be, to every member of the Panchayat concerned seven days before the meeting.

In light of above, the Collector has rightly shown interference and asked for considering of "No Confidence Motion" again. Accordingly, no interference is called for with the impugned order and the petition is hereby dismissed.

Sd/-
Acting Chief Justice

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